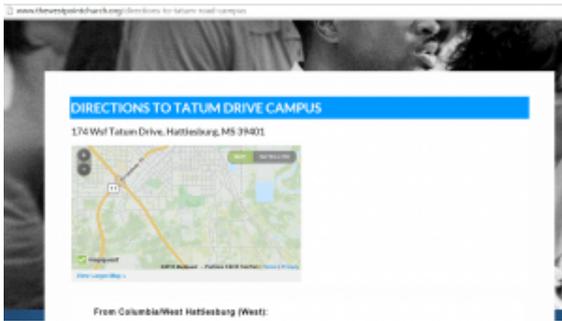


School Board President and Pastor Marcus Cathey likely broke the law with his church's long term personal use of school facility.



Hattiesburg
Public School
Board
President and
Pastor of
West Point
Baptist
Church

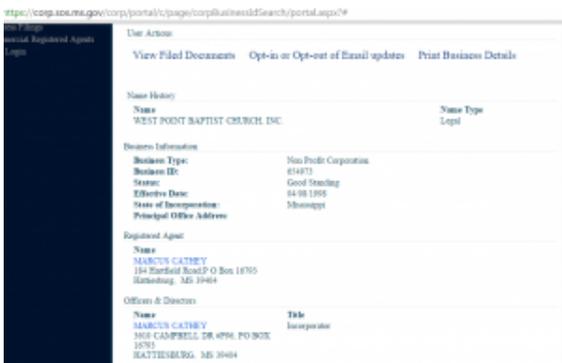
Give a man a fish and you'll feed him for a day. Give a man a position as president on the Hattiesburg Public School Board, and he might illegally use public property to build his church campus; and according to state statute, a Mississippi Ethics Commission opinion, and the Mississippi Constitution, that's exactly what School Board President and Pastor Marcus Cathey has done.



School Board President and Pastor, Marcus Cathey, advertises a school owned building as his church's campus. The address listed is the address for the Transploreum building at N.R. Burger Middle School. Click to enlarge

For many, many months, Cathey has regularly used the newly constructed Transploreum Building at N.R. Burger Middle School each Sunday at 10:00 am in order to grow his church's congregation. It goes even beyond that, however. Cathey is so bold that he advertises the school building's address on his church website as being his church's "Tatum drive campus."

Cathey is self identified on Facebook as being "self employed," and he is the sole incorporator of his church's non profit, according to the Secretary of State's website.



School Board President and Pastor of West Point

Baptist Church is the sole owner of the non profit using the school's facility to hold services.



The N.R. Burger Middle School Transploreum is the public building Cathey claims as his church's campus.



*Title 25 – PUBLIC OFFICERS AND EMPLOYEES; PUBLIC RECORDS
Chapter 4 – ETHICS IN GOVERNMENT
Article 3 – CONFLICT OF INTEREST; IMPROPER USE OF OFFICE*

§ 25-4-105 – Certain actions, activities and business relationships prohibited or authorized; contracts in violation of section voidable; penalties

(1) No public servant shall use his official position to obtain, or attempt to obtain, pecuniary benefit for himself other than that compensation provided for by law, or to obtain, or attempt to obtain, pecuniary benefit for any relative or any business with which he is associated.

(2) No public servant shall be interested, directly or indirectly, during the term for which he shall have been chosen, or within one (1) year after the expiration of such term, in any contract with the state, or any district, county, city or town thereof, authorized by any law passed or order made by any board of which he may be or may have been a member.

Section 109, Miss. Const. of 1890: Public Officer Interest in Contracts Prohibited

No public officer or member of the legislature shall be interested, directly or indirectly, in any contract with the state, or any district, county, city, or town thereof, authorized by any law passed or order made by any board of which he may be or may have been a member, during the term for which he shall have been chosen, or within one year after the expiration of such term.



**Mississippi
Ethics Commission**
Promoting Integrity in Mississippi's State and Local Governments

Tom Hood, Executive Director
www.ethics.gov | www.ethicscommission.ms.gov

Home | Opinion Topics | Ask Help | Contact Us | Site Search

Friday, 14: Wednesday, April 23, 2014

Opinion ID: 05-059-E

Categories:
20 School Districts (A); 1 Non-Profit; N: All Opinion Outlets

Summary:
Constitutional Section 109 and §25-4-105(2) prohibit a school district from leasing a building to a not-for-profit organization if one of its trustees remains an employee of the not-for-profit organization regardless of whether the trustee rescues from the board of trustees' decision to lease the building to the not-for-profit organization. The prohibition against leasing the building to the not-for-profit organization remains in effect during the trustee's term on the board of trustees and for one year after the trustee leaves the board of trustees. [20, 1]

Opinion PDF:
Click [here](#) for the complete text of the opinion in PDF format.

Please note that the Opinions require Adobe Acrobat Reader for viewing. Please click on the Acrobat image below to download the free, self-extracting file. Once you have installed the reader, you should not have any problems in viewing the documents.

- Advisory Opinions
- Legislative Update
- Ethics Laws
- Open Meetings Act
- Public Records Act
- Statement of Economic Interest
- Ethics Complaints
- Opinion Process
- Procedural Rules
- The Commission
- The Staff
- Session Presentations

School Board President and Pastor, Marcus Caffey has

operated outside of the boundaries of accepted ethics according to a Mississippi Ethics Opinion.

A Mississippi Ethics Commission addressed the matter in a ruling, which stated:

Constitutional Section 109 and §25-4-105(2) prohibit a school district from leasing a building to a not-for-profit organization if one of its trustees remains an employee of the not-for-profit organization regardless of whether the trustee recuses from the board of trustees' decision to lease the building to the not-for-profit organization. The prohibition against leasing the building to the not-for-profit organization remains in effect during the trustee's term on the board of trustees and for one year after the trustee leaves the board of trustees.

With a school district under reorganization due to failing schools, a human resource director, Carmen Anderson, who pleaded guilty to illegal voting, and now the school board president using public facilities for personal gain, it's no wonder why our district is declining in size and ranking. The leadership at the top seems more interested in furthering themselves than in doing what's best for Hattiesburg's children.

From all appearances, Mr. Cathey is engaged in a long term lease relationship with the very school district he is tasked with overseeing, and advertising a public school building as his own church campus. Not surprisingly, never once did Cathey's likely improper or even illegal use of the facility come up for discussion with the board or board attorney, Percy Watson. The board and it's attorney have known about this relationship, and they did nothing to enforce the law and the ethical standards that we expect from a board that serves the public's trust.

The entire school board is beginning to resemble unethical cronies, who are too weak to speak out against wrongdoing and criminals working within the administration. This reflects on the entire Board of Trustees. They themselves are complicit in the schemes and criminality in the administration by looking the other way.

Ross Barnett once so aptly said,

When you can't trust a trustee who can you trust?

****Note –** The Hattiesburg Patriot made numerous calls and sent Facebook messages to Marcus Cathey for a comment. No calls were returned and no responses were received.